

REMARKS

Claim Status and Specification Amendments

Claims 1-18 remain pending in the present application. Claims 1-10 are withdrawn from consideration.

Claim 11 has been amended in an editorial manner and not in response to the art or any formal requirement. No forfeiture of equivalents is intended.

The specification has been amended to reflect issued patent numbers.

Election Affirmation

Applicants affirm our previous election of Group III (i.e., claims 11-18) without traverse.

Art-based rejection

Claims 11-13

Claims 11-13 stand rejected over U.S. Patent No. 6,788,801 (hereafter referred to as “the Liao patent”) in view of U.S. Patent No. 6,504,494 (hereafter referred to as “the Dyas patent”). Applicants traverse these rejections.

We initially note that the Dyas patent is an improper reference.

The present application is a continuation of U.S. Patent Application No. 09/553,084, filed April 19, 2000. And the effective filing date of the Dyas patent appears to be November 6, 2001. The Dyas patent was filed more than a year and a half after the parent application’s filing date.

We respectfully request that the Dyas patent be removed as a reference and that claims 11-13 be allowed.

(We need not belabor the deficiencies of the Liao patent at this time, but reserve our right to do so if needed).

Claims 14-18

Claims 14-18 stand rejected over U.S. Patent No. 5,818,032 (hereafter referred to as “the Sun patent”) in view of U.S. Patent No. 6,777,931 (hereafter referred to as “the Takada patent”). Applicants respectfully traverse these rejections.

The Takada patent is cited as teaching “selectively scaling color values in the image sample based on the color characteristic” as recited in claim 14. We respectfully disagree.

Rather the cited passage of the Takada patent at Col. 2, lines 32-40 seems to suggest changing a “display” color (see Col. 2, lines 30-31) or depth of the color based on a magnitude of a signal (Col. 2, lines 37-38), and not on a color characteristic. It appears that the magnitude of a signal is obtained by a measuring probe, e.g., a test signal obtained by a surface testing probe (see, e.g., Col. 2, lines 22-24). These passages are concerned with how to best display flaws in materials, and does not seem concerned with the colors of the materials.

(We also object to combining these documents as suggested by the Office. The Takada patent is related to displaying a signal obtained by a measuring probe, e.g., showing surface flaws of a cylindrical body of a metal such as a rolling roll. See, e.g., Col. 1, lines 16-21. In contrast the Sun patent is related to encoded color halftone microdots. There appears to be no motivation to combine these references as suggested.).

We respectfully request that claim 14 be allowed.

The dependent claims are also believed to recite patentable combinations. Favorable reconsideration is requested.

Information Disclosure Statement

An information disclosure statement and Form 1449 are provided herewith for consideration. We also understand that all information considered in our parent applications will also be considered here according to MPEP 609.

Conclusion

The application is believed to be in condition for allowance. Nevertheless, the Examiner is invited to telephone the undersigned at 503-469-4685 if any question remains.


Date: June 14, 2005

Customer No. 23735

Phone: 503-465-4685
FAX: 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By 

Steven W. Stewart
Registration No. 45,133